



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

277337

ORIGINAL

JUL 27 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frank Antonacci, President
FA Carting & Crown Recycling
172-33 Douglas Avenue
Jamaica, NY 11433

Re: Kim-Stan Landfill, Alleghany County, VA

Dear Mr. Antonacci:

The Environmental Protection Agency is in receipt of your July 17, 2000 fax responding to our January 6, 2000 CERCLA 104(e) information request. As stated in the Questions section below, the Agency requires complete answers and/or additional information.

As stated in our previous correspondence, The U.S. Environmental Protection Agency (EPA) is seeking information concerning a release, or the threat of release, of hazardous substances, pollutants or contaminants into the environment at Kim-Stan landfill on Old Route 60 in Selma, Alleghany County, Virginia (the "Site"). Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), your company is required to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33), 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the Site.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Instructions for responding to this required submission of information are provided below.

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Printed on Recycled Paper

INSTRUCTIONS

1. Provide a separate narrative response to each and every question and subpart of a question set forth in this Information Request.
2. Precede each answer with the number of the question and letter of the subpart of the question to which it responds.
3. For each question, provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons consulted in preparation of the answer.
4. If asserting a business confidentiality claim on information submitted in response to any part of this request, please clearly mark such information by either stamping or using any other such form of notice that such information is trade secret, proprietary, or company confidential.

QUESTIONS

EPA has information indicating that Five Counties Carting at your address, 172-33 Douglas Avenue, Jamaica, NY generated wastes that were disposed of at the Kim-Stah landfill, with Jack Castenova as the waste broker. Further, EPA has information indicating that Frank Antonacci is or was president of Five Counties Carting. We note that your July 17, 2000 letter represented to EPA that FA Carting, at the same address and with Mr. Antonacci as president, is "not related" to Five Counties Carting.

1. (a) Please detail the corporate and ownership histories of FA Carting, Inc., Crown Recycling, Ltd. and Five Counties Carting. If these histories include mergers, asset acquisitions or related transactions, please provide the relevant agreements in their entirety.
- (b) Has any of the above entities used Mr. Jack Castenova's waste broker services between 1985 and 1990? If so, which entity?
2. If this letter is being answered by a person or persons other than the addressee and/or signatory, please provide the name, address, title, and telephone number of the person(s) answering these questions.

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

EPA may contract with one or more independent contracting firms (see attached list of EPA contractors and cooperative agreement grantees) to review the documentation, including documents which you claim are confidential business information ("CBI"), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for agency personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to CERCLA, 42 U.S.C. § 9604(e)(7) and EPA's regulations at 40 C.F.R. § 2.310(h), EPA may share such CBI with EPA's authorized representatives which include contractors and cooperators under the Environmental Programs Assistance Act of 1984 (*see* 58 Fed. Reg. 7187 (1993)). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed in the attachment, you must notify EPA in writing at the time you submit such documents.

You must respond in writing to this required submission of information within 15 calendar days of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For other entities, the response must be signed by an authorized official of that entity. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

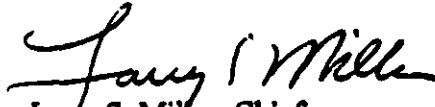
This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501, *et seq.*

All documents and information should be sent to:

Benjamin M. Joseph, 3HS11
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

If you have any legal questions, you or your attorney may contact Bonnie Pugh Winkler in the Office of Regional Counsel at (215) 814-2680. Questions concerning the Potentially Responsible Party investigation may be referred to Benjamin M. Joseph, Civil Investigator, at (215) 814-3373.

Sincerely,


Larry S. Miller, Chief
PRP Investigation and Site
Information Section

Enclosure

cc: Andrew Goldman, 3RC21
Erica Dameron, VA DEQ

John J. Tenenbaum, Esq.
437 Rockaway Avenue
Valley Stream, NY 11581

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Definitions

[Enclosure #1]

1) The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.

2) The term "hazardous substance" includes, but is not limited to those chemicals identified pursuant to CERCLA Section 101(14) and/or 40 C.F.R. Section 302.4, and may also include hazardous waste that demonstrates the characteristics of ignitability, corrosivity, toxicity or flammability, and may also include any mixtures of such hazardous substances with any other substances, including the mixtures of hazardous substances with petroleum products or other non-hazardous substances.

3) The term "documents" shall mean writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phono-records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer printouts, notes, data, sample analyses, laboratory reports, or other data compilations from which information can be obtained or translated.

4) The term "arrangement" shall mean every separate contract or other agreement or understanding between two or more persons, whether written or oral.

5) The term "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

6) The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

List of Contractors

- ISSI Consulting Group - Contract #68-S3-99-07

Subcontractors to ISSI are:
Science Application International Corporation
Industrial Economics, Inc.
- IT Corp. - Contract #68-S7-3005
- OHM Remediation - Contract #68-S7-3004
- Industrial Marine Service, Inc. - Contract #68-S3-99-06

Subcontractors to Industrial Marine Service, Inc. are:
Earth Tech
Engineering & Environment, Inc.
- ECG Industries, Inc. - Contract #68-S3-99-05

Subcontractor to ECG Industries, Inc. are:
Earth Tech
- Guardian Environmental Services, Inc. - Contract #68-S3-99-04
- Roy F. Weston, Inc. - Contract # 68-S5-3002
Team subcontractors are:
Foster Wheeler
Tetra Tech EM Inc.
RAI, Inc.
CC Johnson & Malhotra
- Tetra Tech NUS, Inc. - Contract #68-S6-3003

Subcontractors to Tetra Tech NUS, Inc. are:
Gannett Fleming, Inc.
Dynamac Corp.
C.C. Johnson & Malhotra, P.C.
- CDM Federal Programs Corporation - Contract #68-S7-3003
- Tetra Tech, Inc./Black and Veatch Waste Science and Technology Corporation.
Contract # 68-S7-3002
- Universe Technologies - Contract #68-S3-99-02

List of Cooperative Agreements

- **National Association of Hispanic Elderly - #CQ-825236**
- **National Senior Citizen Education & Research Center - #CQ-825529**